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10/748,047	12/30/2003	Roger Adrien Boutin	5709-168	6747
7590 08/02/2007				
David D. Murray BRINKS HOFER GILSON & LIONE P.O. Box 10395 Chicago, IL 60610				
		EXAMINER REDMAN, JERRY E		
		ART UNIT PAPER NUMBER 3634		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/748,047
Filing Date: December 30, 2003
Appellant(s): BOUTIN, ROGER ADRIEN

MAILED

AUG 02 2007

GROUP 3600

Mr. David D. Murray
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/12/2006 appealing from the Office action mailed 12/19/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

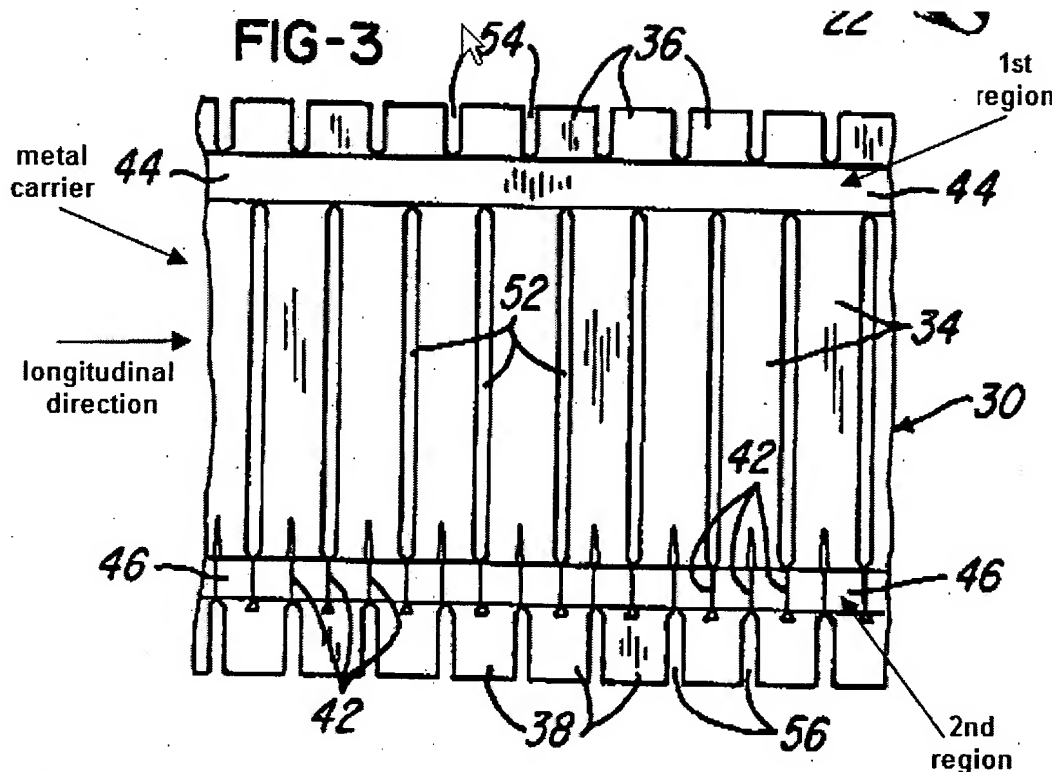
(8) Evidence Relied Upon

5,783,312	Laughman et al.	7-1998
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(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Laughman et al. (5,783,312). As shown in Figures 1-3, Laughman et al. (5,783,312) disclose a weather strip (14) in combination with a motor vehicle (column 1, line 6) comprising a steel metal carrier (30) having a U-shaped cross-section (sealing flanges 18 and 19) having a first region having a first flexibility (the middle portion as shown in Figure 3) and a second region having a second flexibility (the top or bottom portion as shown in Figure 3), and an elastomeric material (12) disposed about the carrier (30) and including a tubular/hollow sealing feature (16) extending from the weather strip (14). Laughman et al. (5,783,312) further disclose the first region having a plurality of apertures (52 and portions of 42 which extend along the same plane) disposed generally centrally along the carrier (30). Laughman et al. (5,783,312) still further disclose the second region having a plurality of slits (54 and/or 56).



As discussed and shown in detail above, Laughman et al. (5,783,312) discloses a weatherstrip having a metal carrier encased within an elastomeric material. The appellant argues that Laughman et al. (5,783,312) neither discloses nor suggestion of providing distinct longitudinal regions of distinct flexibility to the metal carrier. The Examiner respectively disagrees since Laughman et al. (5,783,312) both discloses (column 1, lines 65-66, column 2, lines 24-25) and shows (slits 42 above) to enhance the weatherstrips bending capabilities. It appears that the appellant's arguments are more limiting than that of the claims. The appellant is relying on two distinct regions extending in a longitudinal direction which Laughman et al. (5,783,312) clearly

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discloses. The appellant has not specifically located or properly claimed these regions in such a way as to overcome the art of record.

The Examiner requests the opportunity to present arguments at the oral hearing.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jerry Redman


Jerry Redman
Primary Examiner

Conferees:

Mr. Greg Strimbu



Ms. Meredith Petravick

